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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,850

10/20/2005

Anders Edvard Trell

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EXAMINER

EL-ZOOBI, MARIA

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

12/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/553,850

**Applicant(s)**

TRELL, ANDERS EDVARD

**Examiner**

MARIA EL-ZOOBI

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24, 26-28, 30-37, 39 and 41-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/21/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ ~~Notes of Informal Patent Application~~
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 10/14/2009 have been fully considered but they are not persuasive. Applicant argues that "Lee itself in substance is mere physical aggregate combination of Trell (US 3,947,641) and Martin with reaching or suggestion the featured of the present invention, Applicant also argues that "Trell" component in Lee does exactly what Trell does by requiring similarly expensive components".

Examiner rejected 20-22 claims under Lee in view of Martin; Trell was not used as reference in rejecting these claims, discussion Trell reference is moot.

Applicant argues that "in Claim 22 rejection that, it is the system, not the tenant, that can act (call) differently depending on the time of the day or night", Examiner rely on the teaching of acting differently based on time of the day to reject the claim, not who performs this action.

Applicant also argues that in Lee reference "the resident can't use caller ID", Examiner respectfully does not agree. The claims states that the device has a caller ID function and the replier calling the device and indicate the replier caller ID. Lee teaches in Col. 4, lines 5-28, teaches caller ID function and that the resident "not the visitor" can call the gate, wherein the CPU receive and compare the incoming phone number with phone number in database.

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 20- 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites “over a connection to said telephone or data network which does not have a protected number service activated by its own choice” it is not clear if “its own choice” refers to the replier, network or device”.

Claim 20 also recites “establish the authority of said B-replier and for what access said B-replier is authorized” it is not clear, there is only one access.

Claim 22 discloses "at least two different access by varying the time", is not clear, there is only one access "a visitor access/do not access".

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 20,26-28, 30-34, 36-37, 39, 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 7,065,196) in view of Hara (US 6,895,241).

Regarding claim 20, Lee discloses, a method for communication and control of access by means of an access accomplishing device with an allocated telephone number or address is connectible to a regular fixed landline or mobile telephone or data network (Col. 3, lines 14-20 and 37-47) offering a Caller-ID (Caller identification) service; and that can accept incoming calls as well as Caller-ID information, decode and

process (Col. 4, lines 4-28), the said method comprising the steps of:

establishing contact with a "B-replier" by a person, "visitor", through using a communication means (Col. 3, lines 14-20 and Col. 34-35) wherein said visitor requests access and said B-replier is an authorized person or a machine, other than said device, with authority to grant or deny access (Col. 3, lines 14-20, Fig. 1 and Col. 34-35)

dialing by said B-replier the telephone number or address of said device, thereby calling said device and indicating said replier's caller ID to said device, by means of a fixed or mobile telephone or data instrument over a connection to said telephone or data network and which does not have a "protected number" service activated by its own choice, when said B-replier wishes to grant said visitor said requested access (Col. 4, lines 4-48 and Col. 3, lines 14-20)

checking by said called device via said indicated Caller-ID the telephone number or address of said B-replier against programmed numbers or addresses in order to establish the authority of said B-replier and for what access said B-replier is authorized: and upon established authority, accomplishing by said device said requested access (Col. 4, lines 4-35).

Although Lee does not disclose that a visitor uses his/her communication device to contact the resident; it is obvious that a visitor can contact a resident using his/her own communication mean.

Hara discloses a door lock opening method, wherein the person who is requesting the service "reads on visitor", uses his mobile to contact the service provider "reads on

replier", and then the service provide can unlock the door (see abstract).

Therefore, it would have been obvious to one with ordinary skill in the art to modify Lee with Hara in order to improve the system, yield more predictable results and increase the visitor convenient.

Regarding claim 26, Lee in view of Hara discloses, wherein said visitor's own-communication means is a mobile telephone (see claim 1 rejection).

Regarding claim 27, see claim 20 rejection; for "device" limitation, see Lee Fig. 1.

Regarding claim 28, see claim 26.

Regarding claim 30, Lee in view of Hara discloses, said action comprises unlocking (see claim 20 rejection).

Regarding claim 31, Lee in view of Hara discloses, the device is being combined with at least one in/out-put means of a type selected from the group consisting of a code lock, a keypad, a card reader, a biometric reader, an IR reader or transponder, an RF reader or transponder, an audio part, a video part, a speech part, a modem, a computer interface, a (W)LAN port, an alarm\_and a direct line interface (see claim 24 rejection).

Regarding claim 32, Lee in view of Hara discloses, wherein said mobile telephone effectuates access, by making a direct regular call to said device and thus indicating its caller-ID presenting (see claim 20 and 23 rejection).

Regarding claim 33, Lee in view of Hara discloses, wherein said B-replier effectuates access without communication with a visitor, by making a regular call to said device (see Lee, Col. 4 and claim 1 rejection).

Regarding claim 34, Lee in view of Hara discloses, the device combined with or integrated in at least one system of the type selected from the group consisting of an access control system, a telephone entry system, a door intercom system, an alarm control system, a surveillance system and a building management system (see Lee Fig. 1).

Regarding claim 36, Lee in view of Hara discloses, wherein several access points are handled by a single connection to a said regular telephone or data network (Lee discloses an access to a building, which has multiple apartment "reads on multiple access point").

Regarding claim 37, see claim 25 rejection.

Regarding claim 39, Lee in view of Martin discloses, wherein said action is Unlocking (see claim 20 rejection).

Regarding claim 41, wherein said action comprises programming (Lee: when the user can program the numbers where the device can direct the call if the main number



is not answering or busy Col. 4).

Regarding claim 42, wherein said device can make a call (see claim 20 rejection).

8. Claims 21 and 44-45 rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 7,065,196) in view of Hara (US 6,895,241) in view of Martin (WO 00/35178).

Regarding claim 21, Lee in view of Hara discloses, that the resident "B-replier" unlock the door for the visitor (Lee: Col. 5, lines 1-4).

Lee in view of Hara does not explicitly teach enabling the said ID-validated B-replier to perform service function requests by inputting predetermined code sequences per DTMF or modem data signaling.

Martin discloses a system to unlock the gate for visitor (abstract), Martin also discloses the resident using their phone to unlock the door "which inherently means that the resident send a signal or enter a code to open the gate; Col. 3 and 4).

Therefore, it would have been obvious to one with ordinary skill in the art to modify Lee with Martin in order to improve the system and yield more predictable results.

Regarding claim 25, Lee in view of Hara discloses a visitor with a mobile phone. discloses,

Lee in view of Hara does not disclose a cradle as claimed.

Martin discloses a system for access, wherein the visitor places a mobile telephone against a "cradle" or other means for near communication with said device while maintaining a switched through connection to the B-replier thereby providing a two-way signaling line connection between the B-replier and said device per which line the B-replier can take up own communication with said device, further comprising, that information between said device and the B-replier is exchanged via thus established communication; and that after completed and approved step with transfer of information said device performs printout, dispensing or effectuation of ticket, document, goods or service requested by the visitor during the initial communication with the B-replier (Martin: the visitor places utilized mobile telephone against a "cradle" or other means Fig. 1, el. 1, transferring signal communication from the user to the influenceable unit Pg. 4, lines 22-27, Pg. 5, lines 10-16; the influenceable unit could be the door Fig. 1, el. 17 or the vending machine Fig. 1, el. 28 and establishing a two-way signaling connection between B-replier and influenceable unit (Pg. 6, lines 7-14; the replier reads on telephone unit Fig. 1, el. 12 and that after completed and approved step with transfer of information the influenceable unit performs printout/dispensing of ticket/document/service/goods requested by the visitor during initial communication with the B-replier (Pg. 6, lines 7- 16).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify lee with Martin to improve the system, yield more predictable results, increase the system capabilities and visitor convenience.

Regarding claim 45, see claim 20 and 44 rejection.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 7,065196) in view of Hara (US 6,895241) in view of Trell (US 5,046083).

Regarding claim 22, Lee in view of Hara discloses, wherein said B-replier able of performing two actions (see claim 1 rejection).

Lee in view of Martin does not discloses that B-replier separately effectuates any of at least two different actions by varying the call-up time.

Trell discloses entrance communication system; wherein different actions are being taken based on the visitor's calling time (Col. 3, lines 27-40).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Lee in view of Hara with Trell in order to improve the system and yield more predictable results.

10. Claim 24 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 7,065196) in view of Hara (US 6,895241) in view of Trell (US 3,947641).

Regarding claim 24, Lee in view of Martin discloses, wherein said B-replier

performs input or activation of a freely chosen code in order to perform the access action, also Lee discloses a keypad , wherein the access code may be entered to gain the access (see claim 1 rejection and Col. 4, lines 40-67).

Lee in view of Martin does not disclose that entering the access during a predetermined period of time can be used as an activating code by an outside keypad for gaining access.

Trell discloses, a system that enable a visitor of contacting a tenant to gain a permission for access, wherein the replier programmed a code that the visitor has to use in a predetermined time in order to gain an access (Col. 6, lines 20-35; the limitation "during predetermined period of time "is met in Col. 5, lines 21-33; so the visitor has to use the code sequence during a predetermined time or the access will be denied).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Lee in view of Martin with Trell in order to improve the system and yield more predictable results.

Regarding Claim 35, lee in view of Martin discloses, wherein a B-replier by programming can bestow an occasional said authority on a telephone for said making a call and thus effecting access (see claim 20 rejection and 24).

11. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US 7,065196) in view of Hara (US 6,895241) and further in view of Franz (US 20070229569).

Regarding claim 43, Lee in view of Martin discloses, communication between a said device and a calling party (see Lee Col. 4, lines 45-67). Lee in view of Martin does not teach the communication is completely or partially communicated as SMS, EMS or MMS.

Franz discloses intercom system where the communication to and/or from a user is completely or partially communicated as SMS and/or EMS/MMS (Paragraph 0031 ) Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to modify Lee's system to include SMS service as suggested by Franz, in order to provide short message service to the user of the system, so the visitor can leave a short message for the replier in case he/she didn't find him/her.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIA EL-ZOOBI whose telephone number is (571)270-3434. The examiner can normally be reached on Monday-Friday (8AM-5 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. E./  
Examiner, Art Unit 2614  
/CURTIS KUNTZ/  
Supervisory Patent Examiner, Art Unit 2614